

Notice of Allowability

Application No.

09/832,997

Examiner

Dennis G. Bonshock

Applicant(s)

GABBERT ET AL.

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the response filed 3-13-2006 and the attorney approved amendments of 5-24-2006.
2. ☒ The allowed claim(s) is/are 1-32 and 34-36.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Jeff Hood, on May 24, 2006.

3. The application has been amended as follows:

4. Please add after the last line of claim 1,

-- *wherein the plurality of frames are displayed side by side to define an execution order for the plurality of portions of graphical source code such that during execution of the graphical program the plurality of portions of graphical source code are executed sequentially according to the execution order; and*

wherein a graphical depiction of a frame's location defines where it will execute relative to the other frames. --

Please add after the last line of claim 14,

-- *wherein the plurality of frames are displayed side by side to define an execution order for the plurality of portions of graphical source code such that during execution of the graphical program the plurality of portions of graphical source code are executed sequentially according to the execution order; and*

wherein no wires among the plurality of portions of graphical source code are required in order to define the execution order for the plurality of portions of graphical source code. --

Please add after the last line of claim 21,

-- *wherein the plurality of frames are displayed side by side to define an execution order for the plurality of portions of graphical source code such that during execution of the graphical*

program the plurality of portions of graphical source code are executed sequentially according to the execution order; and

wherein no wires among the plurality of portions of graphical source code are required in order to define the execution order for the plurality of portions of graphical source code. –

-- Please cancel claim 33.

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:
2. The examiner considered the Applicant's Amendment filed on 3-13-2006, and after updated search, no other prior art of record has taught that which is presented in the amended claims (including the examiner amended claims 1, 14, and 21).
3. Therefore, independent claims 1, 14, and 21, are found to be allowable along with the dependent claims 2-13, 15-20, 22-32, and 34-36.
4. Independent claims 1, 14, and 21 when considered as a whole, are allowable over the prior art of record. Kodosky teaches, in column 17, lines 3-40, column 23, lines 24-42, the abstract, and in figures 22, and 57, a graphical programming system in which a two or more frames can be displayed on the display at the same time where elements graphically represent an instrument's operation, and these graphical elements are connected together for modeling a process via execution on a computer. Kodosky further teaches, in column 23, line 5 through column 24, line 5 and in column 33, line 54 through column 34, line 55, the user providing input to place frames and other graphical elements on the diagram. The options include: adding graphical elements to the

display, copying frames by dragging a copy off of the original, moving graphical elements into frames, etc. Kodosky teaches, in column 17, lines 3-40 and column 25, line 50 through column 27, line 7, the frames being places in a specific execution order by the user wiring them up in that manner. Furthermore Kodosky teaches, in column 11, lines 3-10 and lines 29-38, that inputs must be available before execution of a second can begin, meaning that a previous section must complete execution prior to the next section beginning execution.

5. However, specifically the prior art of record fails to clearly teach or support the limitation of data flow being dependent on the layout of the frames relative to one another (execution left-to-right or top-to-bottom for example), and not the way they are connected via wires, in fact transmitting data flow between frames (from left-to-right or top-to-bottom) even if they not connected by wires.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis G. Bonshock whose telephone number is (571) 272-4047. The examiner can normally be reached on Monday - Friday, 6:30 a.m. - 4:00 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

5-24-06
dgb



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ART UNIT 2173